

MEMORANDUM

Agenda Item No. 11(A)(5)

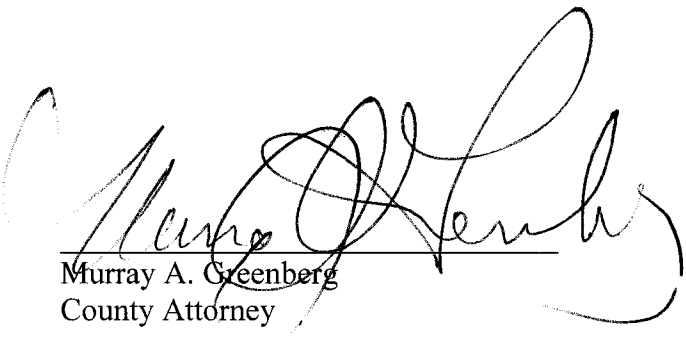
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 6, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution Retroactively
Authorizing In-Kind from
The Park and Recreation
Department for the October
14, 2005 Music in the Park
Series Sponsored by the
Diaspora Arts Coalition, A
Not-For-Profit Organization,
In An Amount Not to Exceed
\$1757.00

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Barbara J. Jordan.



Murray A. Greenberg
County Attorney

MAG/dc



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 6, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
06-06-06

RESOLUTION NO. _____

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE OCTOBER 14, 2005 MUSIC IN THE PARK SERIES, SPONSORED BY THE DIASPORA ARTS COALITION, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$1757.00 TO BE FUNDED FROM THE DISTRICT 1 IN-KIND RESERVE FUND

WHEREAS, the Diaspora Arts Coalition has requested in-kind services from the Miami-Dade Park and Recreation Department for the October 14, 2005 Music in the Park Series in an amount not to exceed \$1757.00 (see attached Fee Waiver/In-Kind Service Application); and

WHEREAS, the Diaspora Arts Coalition is a not-for-profit organization; and

WHEREAS, the Music in the Park Series is a district event, and the in-kind services shall be funded from the District 1 In-kind Reserve Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively authorizes in-kind services from the Miami-Dade Park and Recreation Department for the Diaspora Arts Coalition's October 14, 2005 Music in the Park Series in an amount not to exceed \$1757.00 to be funded from the District 1 In-kind Reserve Fund.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of June, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

DDC

Diamela del Castillo

b 1757
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ALS

**MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION**

COUNTY FEE WAIVERS OR IN-KIND SERVICES REQUESTED THROUGH THIS PROCESS ARE NOT EFFECTIVE UNTIL APPROVED BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE MIAMI-DADE COUNTY HOME RULE CHARTER

Please complete the following form and submit completed form along with requested materials, if applicable, to:

Special Events Staff
Communications Department
111 N.W. 1st Street, Suite 2510
Miami, FL 33128

Phone: (305) 375-2836
Fax: (305) 375-3968

Type of Event/Application (select one of the following):

- ☒ District Event - Event of minimal impact related to specific commission district (Complete questions 1-7, sign and date; copy will be submitted to the appropriate District Commissioner within two days of receipt of application.)
- ☐ Small Event - Event of minimal impact not necessarily related to a specific commission district. (Complete questions 1-7, sign and date.)
- ☐ Special Event - Event with expected attendance of less than 5,000 with localized impact limited to an individual community or municipality (Complete questions 1-12, sign, date and submit form no later than 60 days prior to event date.)
- ☐ Major Event - Large Event with expected attendance of over 5,000 or significant probability of protests, controversy, violence or vandalism (Complete questions 1-12, sign, date and submit form no later than 120 days prior to event date.)

1. Full legal name of the requesting organization: DIASPORA ARTS COALITION

2. Applicant Status: (Select one of the choices below)

- ☒ Not-For-Profit or Tax Exempt ☐ Local Government or Public Entity
- ☐ For-Profit
- ☐ County Sponsored Event/Sponsoring Department _____
- ☐ Other (specify): _____

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Bernadine Bush
6940 N.W. 27th Ave, 1st floor Miami, Fla 33147
305-991-3080 ABWBUSH@AOL.com

4. Specify fee waiver or in-kind service requested (quantify, if applicable): stage, light tower, sound system,
bleachers for the music in the park series (four events)

5. Name, date of event, description, and purpose of the event (if event is a fund-raiser, define the beneficiaries):
MUSIC IN THE PARK SERIES - DISTRICT 1 FAMILY EVENT DESIGNED
TO ENHANCE THE QUALITY OF LIFE FOR OUR CITIZENS BY PROVIDING
QUALITY MUSICAL ENTERTAINMENT AND RECREATIONAL FUN IN THE
NORTH PART OF THE COUNTY.

6. Please select ALL that apply to event:

- ☒ Economic Development: Event supports vitality or growth of the local economy
- ☐ Youth/Education: Event benefits youth of any age and/or offers educational benefits
- ☐ Health and Social Services: Event supports health-related causes and/or social programs or institutions that improve quality of life within the community
- ☒ Arts and Culture: Event supports music, theatre, literature, art or culture
- ☐ Environmental: Event benefits environmental concerns or promotes conservation
- ☐ Sports and Athletics: Event supports/promotes organized sports or recreational participation

7. Physical address of event venues (please specify Commission District(s)): MIAMI CAROL CITY PARK
3201 N.W. 185th STREET MIAMI GARDENS

**MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION**

8. Description of regional or local impact: _____

9. Daily/hourly event schedule, including set-up and breakdown schedule (attach event calendar, if applicable): _____
(see attached)

10. Detailed description of event venues (map or schematic of event venues, access points, surrounding roadways and traffic flow diagrams, if applicable): _____
(see attached)

11. Expected number of participants and estimated attendance (per day, if applicable): 500 - 1,000

12. Itemized budget, including total event budget, total budget of host organization, if applicable, and total commitment of resources (attach additional pages as needed): _____
(see attached)

I hereby certify that all the statements made in this application are true and correct.

Mildred J. Lora Bellamy
Signature of Authorized Representative

10/11/05 10/13/05
Date

**Application for Allocation of
Community-based Organization (CBO) District Discretionary Reserve and Office Funds**

(Application must include completed W-9 Form attached)


10/13/05 District 1 65-0871451
Date Commission District Organization Tax ID
Diaspora Arts Coalition
Legal Name of Recipient Organization or Name of County Department
Music In The Park Series
Program to be funded/reason for funding support
Amount Requested \$ 5,000

Organization Information:

Contact Person(s): Bernadine Bush
Telephone Number(s): 305-491-3080 Fax Number: 305-693-3254
Address: 6940 N.W. 27th Floor, 1st Floor
City: Miami, Florida Zip Code: 33147
e-mail address (if available): ABWBUSH@AOL.COM
Event Date or Date Work is scheduled for completion: October 14, 2005

By the acceptance of these Discretionary Reserve/Office funds, the recipient organization agrees to provide the services described on this allocation application form. The recipient organization states that it has read the conditions and terms on the back of this form and agrees to comply with these.

Attest: 
Recipient Organization Secretary

By:  Lawren Bellamy 10/13/05
Signature of President or Vice President Type or Print Name Date

Amost: Diaspora Arts Coalition, Inc. (SEAL)
Recipient Organization

Amount Allocated \$ _____ at the _____ BCC Meeting

Commissioner's Signature and Approval

Date Approved

Attest Harvey Ruvin, Clerk

Miami-Dade County, Florida

By: _____
Deputy Clerk

Circle One Hold Check for pick-up Mail Check to Organization

Special Instructions: _____

For Finance Department Use

Date Received by Finance: _____ Check No. Issued: _____ Date Issued: _____

All checks are to be picked up by Barbara Galvez, OSBM Budget Analyst (305) 375-5302.

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INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date **FEB 19 2003**

DIASPORA ARTS COALITION INC
C/O BERNADINE BUSH
PO BOX 012568
MIAMI, FL 33101-2568

Employer Identification Number:
65-0871451
DLN:
203050023
Contact Person:
D. A. DOWNING ID# 31805
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
SEPTEMBER 1, 2002
Advance Ruling Period Ends:
SEPTEMBER 30, 2002
Addendum Applies:
NO

Dear Applicant:

Our letter of the above date asked for information we needed to make a final determination of your private foundation status under section 509(a)(1) of the Internal Revenue Code.

Since we have not received the information, you are, under section 508(b) of the Code, presumed to be a private foundation as of the 91st day after the end of your advance ruling period, shown above. In addition, you are presumed to be a private foundation as of the first day of your first tax year for purposes of sections 507(d) and 4940 of the Code.

This presumption, however, is rebuttable. If you meet the requirements of section 509(a)(1), you may establish that fact by submitting a written request for a determination.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect.

Based on this presumption, you are required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as a Private Foundation, for the current and all subsequent years. Form 990-PF must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

Since you are presumed to be a private foundation as of the first day of your first tax year for purposes of sections 507(d) and 4940 of the Code, you

Letter 1048 (DO/CG)

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DIASPORA ARTS COALITION INC

are required to file a limited Form 990-PF for each year in your advance ruling period. Complete only the general information at the top of the form, column (b) of Part I, all of Parts IV and VI (or all of Parts VII and II, respectively, for tax years beginning before 1985), and Part V (if applicable), and be sure to sign the return. If you file within 90 days from the date of this letter, you will not be subject to the penalty provisions of sections 6651 and 6652. Attach a statement to the returns explaining that you have reasonable cause for filing late (your advance ruling) and cite Revenue Procedure 79-8, 1979-1 C.B. 487. File the limited Forms 990-PF described in this paragraph with this office. Attach your check or money order for the full amount of tax due. We will figure the interest due and send you a bill.

You are presumed to be a private foundation as of JANUARY 1, 2003.

All parts of the Form 990-PF for SEPTEMBER 30, 2003 should be completed. However, the figures for column (c) of Part I, all of Part IX through Part XIV, and Part XV (if applicable), and your answers to the questions in Part VII should reflect only the period beginning on the above date and ending on the last day of your tax year. Forms 990-PF for subsequent years should be completed and filed according to the instructions for those forms.

Since you have not provided the information needed to make a final determination of your private foundation status, it is considered by the Internal Revenue Service that you have not taken all reasonable steps to secure the determination you requested. Under section 7428(b)(2) of the Code, not taking all reasonable steps, in a timely manner, to secure the determination may be considered as a failure to exhaust administrative remedies available to you within the Service, and may preclude the issuance of a declaratory judgment in the matter under judicial proceedings.

You are required to make your annual return available for public inspection within 180 days after the date of publication of its availability, and you must publish the notice of availability no later than the date required for filing the return. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, you should keep it in your permanent records.

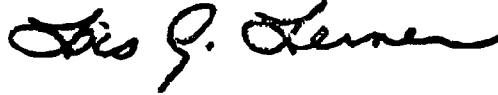
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DIASPORA ARTS COALITION INC

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lois G. Lerner". The signature is fluid and cursive, with the first name "Lois" being more prominent.

Lois G. Lerner
Director, Exempt Organizations


Letter 1048 (DO/CG)

Memorandum



Date: June 6, 2006

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: District Specific In-Kind Request Recommendation

The Office of Strategic Business Management (OSBM) has reviewed the attached in-kind request and recommends for the item to move forward to the Board of County Commissioners for consideration. The district specific in-kind reserve balance allows for the funding of this request.

Background

A retroactive waiver for in-kind services is being requested by a not-for-profit organization Diaspora Arts Coalition for their Music in the Park Series community event held on October 14, 2005.

In-kind services have been requested in an amount not to exceed \$1,757 from the Park and Recreation Department for use of the stage, light tower, sound system and bleachers. This event will be funded from the District 1 district specific in-kind reserve.

As part of the FY 2005-06 approved budget, Diaspora Arts Coalition received an award of \$35,000 through the Cultural Affairs Department grant program and \$5,000 from the District 1 District Discretionary Reserve.

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